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11/258,472	10/25/2005	Gregory A. Dunko	2002-200/ PU05 0522US	2912
54472 7590 10/17/2013 COATS & BENNETT/SONY ERICSSON 1400 CRESCENT GREEN SUITE 300 CARY, NC 27518			EXAMINER PEREZ GUTIERREZ, RAFAEL	
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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* GREGORY A. DUNKO

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Appeal 2011-012400  
Application 11/258,472  
Technology Center 2600

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Before JOSEPH L. DIXON, ST. JOHN COURTENAY III, and  
CARLA M. KRIVAK, *Administrative Patent Judges*.

KRIVAK, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant appeals under 35 U.S.C. § 134(a) from a final rejection of claims 1-7, 9-19, and 21-26 (App. Br. 2). We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

### STATEMENT OF THE CASE

Appellant's claimed invention is directed to a wireless communication method and device for tailoring electronic content retrieval to the capabilities of the wireless communication device (Spec. ¶ [0001]).

Independent claim 1, reproduced below, is illustrative of the subject matter on appeal.

1. A method of tailoring electronic content retrieval by a wireless communication device comprising:

maintaining device capability information in the wireless communication device; and

filtering one or more electronic feeds received by the wireless communication device by receiving content information at the wireless communication device from or for the one or more electronic feeds, the content information identifying available electronic content and corresponding characteristics, and evaluating the content characteristics at the wireless communication device with respect to the device capability information to identify electronic content at the wireless communication device having content characteristics commensurate with the device capability information.

### REFERENCES and REJECTIONS

The Examiner rejected claims 1-3, 5-7, 9, 10, 12-15, 17-19, 21, 22, and 24-26 under 35 U.S.C. § 103(a) based upon the teachings of Bell (U.S. Pat. Appl'n. Publ'n. 2007/0150592 A1, published June 28, 2007) and

Othmer (U.S. Pat. Appl'n. Publ'n. 2005/0039135 A1, published Feb. 17, 2005) (Ans. 4-8).

The Examiner rejected claims 4 and 16 under 35 U.S.C. § 103(a) based upon the teachings of Bell, Othmer, and Trossen (U.S. Pat. Appl'n. Publ'n. 2005/0198525 A1, published September 8, 2005) (Ans. 8-9).

The Examiner rejected claims 11 and 23 under 35 U.S.C. § 103(a) based upon the teachings of Bell, Othmer, and Nicholas (U.S. Pat. Appl'n. Publ'n. 2008/0126476 A1, published May 29, 2008) (Ans. 9-10).

### ANALYSIS

The Examiner finds Bell, in view of Othmer, discloses the claimed limitation “filtering one or more electronic feeds received by the wireless communication device” (Ans. 5, 12)

Appellant contends, and we agree, Bell, alone or in combination with Othmer, does not teach or suggest this claimed limitation. That is, nowhere in Bell or Othmer has the Examiner pointed to the wireless communication device filtering the received electronic feeds. Rather, Bell and Othmer both disclose the wireless communication devices provide parameters to the service provider indicating the type and format of media content to be delivered from the service provider to the wireless communication device. Therefore, in Bell and Othmer, all the presentation and format options are input to the service provider by the wireless communication device for delivering desired media content to the wireless portable device in the proper format. (Br. 5). This is not the same as filtering the input from the service provider *at* the wireless communication device. In fact, neither Bell nor Othmer disclose any type of filtering at the wireless device; the references

receive whatever content is delivered from the service provider as indicated by the wireless communication device. We agree with Appellant if “wrong media content or media content of an improper format” is delivered to the wireless communication device, it will receive undesirable or unusable content (Br. 5).

Thus, Bell, alone or in combination with Othmer, does not teach or suggest filtering feeds received by the wireless communication device as recited in independent claims 1, 13, and 25. For the above reasons, we are persuaded of Examiner error. Due to their dependency on claims 1, 13, and 25, claims 2-7, 9-12, 14-19, 21-24, and 26 are also not obvious over the collective teachings of the cited references.

#### DECISION

The Examiner’s decision rejecting claims 1-7, 9-19, and 21-26 under 35 U.S.C. § 103 is reversed.

#### REVERSED

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